

FIRST REGULAR SESSION

# HOUSE BILL NO. 478

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES WIELAND (Sponsor), DUGGER, CRAWFORD, SWEARINGEN,  
NICHOLS, ENGLISH, FRAME, BROWN, SCHARNHORST, KOENIG, LAUER,  
HINSON AND RIZZO (Co-sponsors).

1285H.02I

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 370.283 and 370.287, RSMo, and to enact in lieu thereof two new sections relating to credit unions.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 370.283 and 370.287, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 370.283 and 370.287, to read as follows:

370.283. **1.** When shares are issued in the name of any minor, the same shall be held for  
2 the exclusive right and benefit of the minor, and free from the control or lien of all other persons,  
3 except creditors, and shall be paid, together with dividends thereon, to the person in whose name  
4 the shares shall have been issued, and the receipt or acquittance of the minor shall be a valid and  
5 sufficient release and discharge to the credit union for the share or any part thereof. **To the**  
6 **shares issued in joint tenancy in the name of any minor, all provisions of section 370.287**  
7 **shall apply.**

8 **2.** The credit union may require that the minor's parent, guardian, or other person  
9 responsible for the minor be a joint owner of the minor's account.

10 **3.** Shares on deposit held in the name of a minor are subject to the credit union's  
11 lien under section 370.250 and any consensual lien on pledge of shares, which may not be  
12 avoided due to the minor's status. The credit union may pay funds to a conservator  
13 appointed under section 475.045 and thereby discharge its liability to the minor for the  
14 shares. Accounts opened under the Missouri Transfer to Minors Law, sections 404.005 to  
15 404.094, shall be governed by that law.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

370.287. 1. Shares may be issued in joint tenancy with the right of survivorship with any  
2 **persons [person] , minor or adult**, designated by the credit union member, **whether or not the**  
3 **names are stated in the conjunctive or the disjunctive or otherwise.** But no person so  
4 designated as joint tenant shall be permitted to vote, obtain loans or hold office unless [he] **such**  
5 **person** is within the field of membership and is a qualified member. **The records of the credit**  
6 **union describing the issuance, opening, or maintenance of shares in joint tenancy with the**  
7 **right of survivorship in the absence of fraud or undue influence shall be conclusive**  
8 **evidence of the intention of all the joint tenants to vest title to the account any additions**  
9 **thereto in the surviving joint tenants.** Any shares so issued and additions thereto of whatever  
10 nature shall be **the property of such persons as joint tenants and** payable by the credit union  
11 on the death of [the deceased member to the surviving joint tenant, and] **any one or more of the**  
12 **joint tenants. If there are two or more surviving joint tenants, such joint tenants shall own**  
13 **the shares as joint tenants with the right of survivorship.** The payment and the receipt or  
14 acquittance of the [same] **shares and additions thereto as described herein** to said surviving  
15 joint [tenant] **tenants** shall be a valid and sufficient release and discharge to the credit union for  
16 all amounts so paid.

17 2. The adjudication of disability or incapacity of any one or more of the joint  
18 tenants shall not operate to sever or terminate the joint tenancy ownership of all or any  
19 part of the account and the account may be withdrawn or pledged by any one or more of  
20 the joint owners in the same manner as though the adjudication of disability or incapacity  
21 had not been made, except that any withdrawal or pledge on behalf of the disabled joint  
22 owner shall be by such person's conservator.

23 3. Shares held in the name of two persons who are husband and wife or the survivor  
24 thereof shall be considered a joint tenancy and not a tenancy by the entirety unless  
25 specified otherwise.

26 4. A payment of any or all shares or additions thereto as provided in section 1 shall  
27 release and discharge the credit union with respect to the moneys so paid prior to the  
28 receipt by the credit union of notice in writing signed by any one of the joint tenants not  
29 to pay the shares in accordance with the terms thereof. After receipt of such notice, a credit  
30 union may refuse without liability to honor any check, other order to pay, withdrawal  
31 receipt, or order to pay out any dividends or interest thereon pending determination of the  
32 rights of the parties. No credit union paying any joint tenant in accordance with the  
33 provisions of this section shall thereby be liable for any estate or succession taxes which  
34 may be due this state. Accounts opened under the Missouri Transfer to Minors Law,  
35 sections 404.005 to 404.094, shall be governed by that law.

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